

**Proposed Beaufort Sea Oil and Gas Lease
(Sale 97)**

Public Hearings

Barrow

1986

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TRANSCRIPT OF PROCEEDINGS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR
THE PROPOSED OIL AND GAS LEASE SALE 97
IN THE BEAUFORT SEA
BARROW, ALASKA
DECEMBER 08, 1986

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1 PROCEEDINGS

2 BARROW, ALASKA

3 DECEMBER 8, 1986

4 MR. BROCK: Good evening, ladies
5 and gentlemen, and welcome to the public hearing on the Proposed
6 Oil and Gas Lease Sale 97 in the Beaufort Sea. I have a few
7 remarks to make here for the record to make sure we explain what
8 all is taking place, so I hope you'll bear with me.

9 My name is Bob Brock and I'm the Regional Supervisor for
10 the Leasing and Environment Office of the Alaska OCS Region of the
11 Minerals Management Service and I'm the designated chair for this
12 hearing. The other two members of the panel, on my right is Mr.
13 Leroy Stringfellow from the Field Operations Office of the Minerals
14 Management Service in Anchorage, and on my left is John Schindler,
15 the Chief of the Environment Assessment Section in the Regional
16 Office of the MMS. I know many of you know John from his years up
17 here.

18 This is the first hearing of five hearings. Others will
19 be held in Wainwright, Nuiqsut, Kaktovik and Anchorage.

20 The purpose of this hearing is to receive the views,
21 comments and suggestions of interested individuals and
22 representatives of local government and organizations on the Draft
23 Environmental Impact Statement. These hearings are being held for
24 the purpose of receiving comments and suggestions about subsistence
25 per Section 810 of the Alaska National Interest Lands Conservation

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1 Act.

2 If any of you have any questions and would like a question
3 and answer period after the public hearing, we will be glad to
4 close the official record and answer any questions that you might
5 have. But the public hearing is your chance to explain what you
6 think of our Environmental Impact Statement so there won't be any
7 exchange during that period of time. If you want to ask questions
8 after the hearing, I will be glad to close the record and to answer
9 any questions you might have.

10 Before we start the hearing, I'd like to give you a little
11 background about the leasing proposal we are studying and about the
12 process we are following to make decisions about that proposal.

13 Federal oil and gas leasing in the Beaufort Sea began with
14 the joint state and federal BF Sale in December, 1979, and since
15 then we've had two other Beaufort Lease Sales, Sale 71 in October
16 of 1982 and Sale 87 in August, 1984. As a result of these sales,
17 approximately two million acres have been leased. This represents
18 only about 4% of the total area of the Beaufort Sea Planning
19 Area. As you can tell on the map over there, the shaded in areas
20 are those areas which have been leased. Sixteen wells have been
21 drilled in the previously leased area and one well is presently
22 being drilled.

23 To date, 28 environmental studies and 25 social and
24 economic studies exclusive to the Beaufort Sea Planning Area, have
25 been conducted through Minerals Management contracts. In addition,

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1 MMS has contracted for another 152 environmental and social and
2 economic studies that are applicable to the Beaufort Sea Planning
3 Area as well as other Alaska OCS Planning Areas.

4 This Draft EIS covers approximately 21 million acres which
5 are being considered for leasing. The entire Beaufort Sea Planning
6 Area that you see on that map over there contains 49 million acres,
7 but this particular EIS covers only 21 million acres. As a result
8 of further consideration between now and the lease sale, the size
9 of the area being offered for leasing could be reduced, but it
10 cannot be expanded.

11 MMS estimates that there is a 69% chance of recoverable
12 oil and gas being present in the area covered by this EIS.

13 Our major goal is to find out more precisely what our
14 domestic energy supplies are, where they are located, how much they
15 will cost to produce, and then allow them to be produced where it
16 is possible to do so in an environmentally safe manner.

17 In addition to reducing reliance on uncertain foreign
18 supplies with obvious national security implications, domestic
19 production reduces the exporting of dollars and jobs. Benefits
20 accrue directly to local individuals and also to state and local
21 governments. This is because the leasing program generates
22 hundreds of millions of dollars of revenue each year and when
23 discoveries are made, more millions are generated through royalties
24 on production and corporate taxes. These monies are deposited in
25 the federal treasury and help support all appropriated programs.

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1 Thus, a large proportion of the money returns to individuals in one
2 form or another, or it is passed directly to state and local
3 governments as congress sees fit.

4 The Draft Environmental Impact Statement pulls together
5 almost two years of preparation which included such actions as a
6 call for information, scoping, and area identification.

7 Adding to this, MMS has in place a host of regulations and
8 operating rules that are designed to make offshore operations clean
9 and safe. There are too many safeguards in place to enumerate in
10 detail today. However, I would like to highlight for you some that
11 are typical of the federal regulatory process.

12 To begin with, a large number of federal laws control
13 offshore operations. Some examples include the OCS Lands Act, the
14 National Environmental Policy Act, the Endangered Species Act, the
15 Marine Mammal Protection Act, the Clean Water Act, and the Coastal
16 Zone Management Act.

17 If a sale is held and leases are awarded, lessees cannot
18 just start drilling. There are many federal and state requirements
19 in place to ensure that exploration, drilling and production
20 proceed in an environmentally safe and acceptable manner.

21 First, before exploration can begin, Lessees have to
22 prepare exploration plans. Lessees must prepare large numbers of
23 these plans for very broad distribution and review before approval
24 of the federal government. But even our approval is not the final
25 word. The State's Coastal Zone Consistency Certification is also

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1 necessary.

2 Next, a drilling permit is required. Once drilling is
3 underway, an MMS inspector will be either on the rig or will be
4 nearby at all times.

5 Then, if a discovery is made, the planning and approval
6 process starts all over again and we must prepare another
7 environmental analysis before development and production can take
8 place.

9 The federal government has numerous requirements to ensure
10 drilling and well safety. For example:

- 11 1) We require emergency plans in the event of blowouts;
- 12 2) We require that companies use experienced and trained
13 drilling crews and that drillers attend certified
14 schools to keep up-to-date on well control methods;
- 15 3) Oil spill control and cleanup equipment must be in
16 place and we require training and drills on its use;
- 17 4) Additionally, we require the use of best available and
18 safest technologies, third party verification of
19 drilling platforms, and the list goes on and on.

20 To further reduce potential risks, many additional
21 mitigating measures are proposed in the EIS and if adopted will
22 become part of the lessees' official lease. For example:

- 23 1) The requirement to establish a training program which
24 must be attended at least once a year by all on-site
25 workers. One of the purposes of this program is to

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1 educate oil and gas workers about subsistence
2 practices and their importance.

- 3 2) A seasonal drilling restriction to protect the bowhead
4 whale.
- 5 3) A requirement for additional biological surveys if it
6 turns out that they are needed.
- 7 4) A stipulation to control the design and use of any
8 pipelines that might be constructed.
- 9 5) An alert to lessees that their activities will be
10 subject to the policies of the State Coastal
11 Management Program as modified by District Programs.
- 12 6) Information to lessees about the location of areas of
13 special biological and cultural sensitivity.

14 The EIS is a very important element in this decision
15 process. The OCS Lands Act requires that the Secretary of the
16 Interior balance the decision about national policy goals. These
17 decisions sometimes compete with each other. The Secretary must
18 also balance the decisions between the national interests and the
19 well-being of the citizens of the local areas. Needless to say,
20 this is often a difficult task.

21 Now, I'm sure you've heard enough from me, however, I want
22 everyone to understand that we don't take this proposal lightly and
23 we approach all leasing decisions very cautiously and carefully.

24 I will call today's speakers in the order in which they
25 registered. If you wish to speak but have not already registered,

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1 please register with the gentleman sitting at the table at the back
2 of the room.

3 We have a few rules that I would like you to follow to
4 make sure that the hearing runs smoothly and is properly recorded:

- 5 1) First, when you speak, state your name, address,
6 occupation, and the organization or agency, if there
7 is one, that you represent. We need to have this
8 information recorded in the transcript.
- 9 2) Please try to keep your comments to about ten minutes.
- 10 3) If you have prepared testimony, please give a copy of
11 the testimony to the Court Reporter over here on the
12 right.
- 13 4) If you wish to submit additional written testimony
14 besides what you speak, give this material to the
15 Court Reporter also and it will then be entered into
16 the hearing record.

17 The official Court Reporter will make a verbatim
18 transcript of the hearing. Everything that is spoken while the
19 hearing is in session will be recorded. To assure a complete and
20 accurate record, it is important that only one person speak at a
21 time. I ask that everyone else remain as quiet as possible while
22 the hearing is in progress.

23 Copies of the transcript are available through Accu-Type
24 Depositions, Anchorage, Alaska. The telephone number 276-0544.
25 They are not available through MMS. If you would like a copy, you

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1 can make the necessary arrangements tonight with Angie Hecker,
2 sitting right over here, as soon as the hearing is over.

3 This is not an adversary proceeding. No one will be
4 placed under oath. Presentations should be relevant and supported
5 by pertinent data. Speakers will not be questioned unless a member
6 of the panel wishes to have some facts clarified or to obtain
7 additional information. We are most interested in understanding
8 the views of all interested parties about the Draft Environmental
9 Impact Statement for this sale area, Sale 97 in the Beaufort Sea.

10 To help in the process, we have asked that a translator be
11 present to provide an English translation of your comments to those
12 of you who wish to speak Inupiat. The translator for this hearing
13 is Mabel Panigeo. She will translate so feel free to speak in
14 Inupiat if you would prefer to.

15 The comment period for this EIS closes on January 6,
16 1987. Until that time, MMS will also accept written comments and
17 statements from anyone who would prefer to make written rather than
18 oral comments, from anyone wishing to supplement their oral
19 comments, or from anybody who is unable to attend the hearing.
20 These written comments should be addressed to the Regional
21 Director, Minerals Management Service, 949 East 36th Avenue,
22 Room 110, Anchorage, Alaska, 99508, Attention: Dick Roberts.

23 The comment closes January 6, 1987. All written comments
24 received prior to that date, January 6, 1987, will be included as a
25 part of the hearing record.

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1 With that, let me run up and get the list of people and
2 I'll call the first speaker. (PAUSE) Mr. James Savok.

3 MR. SAVOK: Chairman Brock,
4 members of the panel, my name is James Savok, Jr. I'm employed
5 with the North Slope Borough in the Planning Department and I have
6 brief comments here that I would make on behalf of the North Slope
7 Borough. This is not all-inclusive and we would reserve the right
8 to make further comments at a later date.

9 This is the Beaufort Sea Sale 97, the Draft Environmental
10 Impact Statement. The North Slope Borough would support the
11 proposed Beaufort Sea Lease Sale Number 97 upon the following
12 conditions:

- 13 1) That the 201 blocks described in the Draft
14 Environmental Impact Statement as Alternative IV,
15 Barrow Deferral, be deleted from the sale and deferred
16 for at least five years.
- 17 2) That the 161 blocks as described in the Draft
18 Environmental Impact Statement Alternative V, Kaktovik
19 Deferral, be deleted from the sale and be deferred
20 until currently ongoing research is concluded and that
21 area is found not to be a critical feeding habitat for
22 the bowhead whale.
- 23 3) That Stipulation #4, Seasonal drilling restriction for
24 protection of bowhead whales from potential affects of
25 oil spills, as set forth in the Draft Environmental

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1 Impact Statement at II-16, be incorporated into each
2 lease. And,

- 3 4) That a further stipulation be included in each lease
4 which restricts any drilling prior to the commencement
5 of bowhead whale migration to drilling only above
6 threshold depth.

7 The North Slope Borough joins the Alaska Eskimo Whaling
8 Commission in its support of deferral of both the Barrow area
9 (Alternative IV) and the Kaktovik area (Alternative V) from the
10 Lease Sale Number 97. The Borough's position could be viewed as
11 advocating yet an additional alternative, Alternative VII, Barrow
12 and Kaktovik Deferral.

13 The Barrow Deferral Area encompasses the near shore open
14 lead which is utilized by the bowhead whales during their spring
15 migration. This open lead is invariably a narrow space between the
16 shore fast ice and the main pack ice. The main pack ice is always
17 in motion due to wind generation movements and currents of the
18 Chukchi Sea. The bowhead whale is the primary user of this narrow
19 open space during their spring migration to their summer area in
20 the eastern Beaufort Sea.

21 Any industrial activity within the Barrow Deferral Area
22 during the bowhead whale spring migration will most certainly
23 drastically affect the timing and space utilization of this normal
24 migratory path by the bowhead whale. This would very probably
25 adversely affect the overall population of the bowhead whales and

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1 would certainly result in a reduction of the availability of those
2 animals to allow for a subsistence harvest adequate to meet the
3 needs of the community. Moreover, an oil spill occurrence in this
4 area during the spring migration or just prior to commencement of
5 the spring migration would have a catastrophic effect on the
6 survivability of the bowhead whales.

7 The Kaktovik Deferral Area is an area used by the bowhead
8 whales during their annual fall migration. The North Slope Borough
9 and the Inupiat subsistence whalers have always known these waters
10 to contain nutritionally rich biotic habitat of the bowhead
11 whale. For this reason, it is felt that the more intense studies
12 are required to identify and document the feeding habits of the
13 bowhead whales in the eastern Beaufort Sea which would be crucial
14 for protection against contamination by industrial activity.
15 Studies to document the impacts of industrial noise upon the
16 bowhead whale are scarce and more data is needed to facilitate
17 reasoned decisions regarding the bowhead whale and industrial
18 activities. Thus, the Borough recommends that the Kaktovik area be
19 deferred for a period to allow for the completion of studies to
20 develop a sound data base.

21 The Inupiat communities and the subsistence whalers have
22 always recognized the acoustic sensitivity of the bowhead whale.
23 The subsistence whalers have always used a common sense mitigative
24 approach regarding noise to obtain successful harvests. The
25 Borough feels therefore that the federal government must recognize

1 the sensitivity of both the Barrow Deferral Area and the Kaktovik
2 Deferral Area by deferring any leasing activities in the Barrow
3 Deferral Area for a period not less than five years and preferably
4 for whatever period is required to complete needed research and
5 deferring leasing activity in the Kaktovik Deferral Area for a
6 period sufficient to complete current research.

7 The North Slope Borough has no objection to the Chukchi
8 Sea lease area. However, the Borough recommends that studies be
9 made in this area regarding the biological content and the
10 resources dependent upon the biota. The Borough is concerned that
11 this area lacks a data base which is needed to make reasoned
12 decisions, in particular with regards to the subsistence resources
13 and their habitat. The Borough also realizes that the main pack
14 ice movements within the proposed lease area will pose new problems
15 for industrial exploration and development. Therefore, it is
16 recommended that studies of sea ice dynamics be conducted prior to
17 any activity taking place.

18 The North Slope Borough will submit more detailed comments
19 in writing on or before January 6, 1987.

20 Mr. Chairman, thank you.

21 MR. BROCK: Charles Brower?

22 MR. BROWER: Good evening. My
23 name is Charles D. N. Brower and I am the subsistence resource
24 specialist for the North Slope Borough Department of Wildlife
25 Management. I would like to thank you for this opportunity to

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1 present some comments on the Draft Environmental Impact Statement
2 for Sale 97.

3 In my mind, the draft EIS does not adequately address or
4 explain the possible effects this lease sale may have on our
5 subsistence resources and the way of our life. Rather, these
6 issues are avoided in almost all of the alternatives with a
7 statement that the impacts or effects will be minimal. I don't
8 think that is enough. What I would consider to be more acceptable
9 is an explanation of what an oil spill, for example, would have on
10 our marine wildlife and the animals that depend upon the marine
11 environment for survival and how our subsistence hunting would be
12 affected.

13 Furthermore, I would see more problems arising and our
14 hunting activities further restricted in developing any oil fields
15 that might be discovered. For example, if a pipeline was to be
16 built to carry the oil from the off-shore area, it would certainly
17 restrict the movement of fish and other marine wildlife. And if a
18 pipeline is then to be built to transport the oil from Barrow to
19 link up with the Trans-Alaska Pipeline, it would hamper the
20 movement of caribou and other such wildlife.

21 These pipelines would also cause additional restrictions
22 on our hunting activities, I would imagine that, like, at Prudhoe
23 Bay. We would either need special permits or even be restricted
24 from traveling anywhere near any pipeline corridor.

25 These are some of the issues I would like to see better

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1 addressed in the draft EIS. Thank you.

2 MR. BROCK: Thank you. Ron
3 Nalikak.

4 MR. NALIKAK: I'm Ron Nalikak.
5 I'm the Administrative Director for the Alaskan Whaling Commission,
6 Post Office Box 570. After Charlie's participation and James's,
7 it's hard to follow an act like that so I will just second
8 everything they said.

9 But I have some brief comments here. On behalf of the
10 Alaska Eskimo Whaling Commission, I would like to make these brief
11 comments on Proposed Lease Sale 97. The Alaska Eskimo Whaling
12 Commission is an organization that has members from nine whaling
13 communities. The whaling communities are concerned with the amount
14 of activities that are increasing offshore and, as you have in
15 previous meetings concerning OCS leasing heard from elders and
16 leaders from the communities, that they would prefer that oil and
17 gas associated activities be conducted offshore to the maximum
18 extent possible before such activity is moved offshore.

19 Some of the other concerns are as follows. On the eastern
20 portion of the lease sale area, such as in the Kaktovik and the
21 Nuiqsut areas and in the Barrow area to the west, all sites of
22 activities would cease until such a time that the village quota or
23 crucial needs have been met during their annual fall whaling.

24 Another concern of the Alaska Eskimo Whaling Commission
25 and the whaling communities is the effect of noise due to offshore

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1 drilling and seismic activities. We feel that associated noise
2 have lessened the fields used by the bowheads. No feeding grounds
3 by Barrow, Kaktovik and the Canadian border.

4 The Alaska Eskimo Whaling Commission is also concerned
5 that all industrial noise associated with offshore activities such
6 as exploratory drilling, seismic, may interfere with the
7 subsistence whaling activities during the spring and fall for the
8 villages of Barrow and Wainwright and fall whaling for the villages
9 of Nuiqsut and Kaktovik.

10 The Alaska Eskimo Whaling Commission has recommended to
11 the Minerals Management Service that the Barrow area, which has
12 been, I guess, known as Alternative IV, and the Kaktovik area,
13 Alternative V, these areas need to be deferred from the proposed
14 sale and any leasing in the Chukchi Sea be done after more studies
15 have been conducted on the possible environmental effects of oil
16 and gas development to the marine environment.

17 Finally, the Alaska Eskimo Whaling Commission recommends
18 to the Minerals Management Service that Stipulation #4 be
19 strengthened and should also include that it should be in effect
20 when the coastal villages are involved in the subsistence hunt of
21 the bowhead whale, that Stipulation #4 should also be expanded to
22 protect the whales and also whaling during the construction phase
23 of islands or subsea pipelines.

24 The Alaska Eskimo Whaling Commission would also like to be
25 included in agencies such as the North Slope Borough and the

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1 affected villages in negotiations and mitigated measures when
2 subsistence resources are at stake.

3 The Alaska Eskimo Whaling Commission would like to thank
4 the members of the panel for this opportunity for us to comment.
5 Thank you.

6 MR. BROCK: Thank you. There's
7 been a request that we translate the English into Inupiat for some
8 of the people who do not understand English. Rather than go back
9 and have everybody repeat, Mabel, do you think you can go back and
10 do a short summary of what's been said and kind of bring people up-
11 to-date and then translate as we go, or would it be better just to
12 start the hearing over?

13 (SHORT DISCUSSION OUT OF RANGE OF MICROPHONE)

14 (TRANSLATION BY MS. PANIGEO)

15 MR. BROCK: Thank you. Mr.
16 Brower?

17 (TRANSLATION BY MS. PANIGEO)

18 MR. BROCK: Thank you, that brings
19 us up current. Billy Adams?

20 MR. ADAMS: My name is Billy
21 Adams, North Slope Borough, Department of Wildlife Management, and
22 reason for deferral in the Beaufort Sea is my concern for the
23 population of female polar bears denning out there on the ice.

24 The latest information shows 87% of the dens out on the
25 ice. Polar bears that den out there will not tolerate noise

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1 disturbance. Polar bears depend on their dens for safety and the
2 cubs will not be able to survive in the Arctic climate if the cubs
3 are born. That is, if they are born.

4 Another was oil ingestion or oil being ingested by polar
5 bears. The effect it would have on the polar bears, that they will
6 not be able to regulate their own body heat. This would mean their
7 death by getting too cold. Polar bears will not be able to control
8 body fluid. This is very serious. And bears that ingest oil also
9 have kidney failure. This means death.

10 Polar bears naturally lick their skin to be clean. Bears
11 also swim very long distances and they are very curious animals.
12 They will investigate an oil spill and by that way they can ingest
13 oil. That will also mean death.

14 We need more studies on polar bears and more studies of
15 many other life forms up there as to what would happen to our polar
16 bears' food and our Native food. The Beaufort Sea is our farm.

17 Thank you.

18 (TRANSLATION BY MS. PANIGEO)

19 MR. BROCK: Thank you. Mr. Tom
20 Albert?

21 MR. ALBERT: My name is Tom
22 Albert. I work with the Department of Wildlife Management for the
23 North Slope Borough and I agree with the comments that have been
24 made so far and particularly the idea that both the Barrow deferral
25 and the Kaktovik deferral be combined into some sort of an

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1 alternative.

2 It seems unfortunate that the folks who are planning the
3 document didn't offer that as a deferral because I think our
4 comments made at the scoping process with regard to the bowhead --
5 I think that was maybe an unfortunate accident, I'm sure.

6 But, anyway, I'm looking at the map, the Barrow deferral
7 area. Maybe it's obvious why the preparers thought this might be
8 worth deferring because the animals would be swimming up here in
9 the spring and the people from Barrow would be out there hunting.
10 So, that makes good sense.

11 The Kaktovik deferral also makes good sense in that you've
12 got the area through which the animals are heading through the west
13 in the fall and are feeding and also are being subjected to
14 subsistence hunting. So, the design of those two alternatives
15 seems to make sense. It's just that I think they need to be
16 combined or at least some discussion needs to be given as you're
17 going on to do that.

18 There are a few things in here, I haven't had time to read
19 the whole document although I certainly would love to be able to
20 sit down and read every word, I'm sure you folks have been over it
21 a million times, but on Table II-C-1, it's a very optimal table.
22 There's a few things in there that don't seem to make much sense
23 and in the section where it talks about the endangered and
24 threatened species.

25 Do you want to interpret some of this now and I'll

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1 continue?

2 (TRANSLATION BY MS. PANIGEO)

3 MR. ALBERT: As I said I would
4 call your attention to, Table II-C-1, which is a nice summary, and
5 under it, endangered and threatened species treatment, where it
6 considers what happens in the Alternatives. It lists, as near as I
7 can make out, as the overall effect of the sale, for instance, on
8 bowheads being minor in each one of the Alternatives and I guess
9 maybe we can't ask any questions now, but I don't understand how
10 that can be, how under all these Alternatives the effect can be
11 minor.

12 What this may be saying to me is that the preparers feel
13 that the Barrow and Kaktovik deferrals are really not worth
14 anything as far as the bowhead. I don't know what other
15 explanation it could be. So, I think that is wrong.

16 (TRANSLATION BY MS. PANIGEO)

17 MR. ALBERT: Thank you. It seems
18 to me that if there's ever a place in the whole system that we know
19 about bowheads, that if you begin industrial development in the so-
20 called Barrow Deferral Area and you feel that is going to have
21 essentially no impact on the animals, then I don't think things
22 were being added up properly because when the animals are in the
23 ice there in the spring, I think that they would certainly be
24 subject to more than a minor disturbance.

25 The feeding area over there in Barter Island and the

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1 Canadian border, if that's becomes industrialized, I think that
2 that it too is going to have more than a minor impact on these
3 animals.

4 (TRANSLATION BY MS. PANIGEO)

5 MR. ALBERT: Thank you. And if
6 you just turn a couple more pages on that same table and go to the
7 subsistence harvest patterns section, two pages later, again, it
8 seems to say that impacts will be moderate all the way across the
9 Alternatives. And, again, I don't understand that. If there is
10 industrial activity in the Barrow area during the time when the
11 whales migrate and people are hunting, I mean, that's got to have
12 some kind of effect, and in the Kaktovik area also.

13 So, those two areas are the areas where you're going to
14 impact subsistence activities the most and if you remove them from
15 the system, it's got to do some good. So, maybe I'm confusing you,
16 but I think that if you look across there you'll see that the
17 impact on subsistence is moderate in each one of these Alternatives
18 and I don't understand that.

19 (TRANSLATION BY MS. PANIGEO)

20 MR. BROCK: Excuse me, Tom, let me
21 just clarify one point here. I just want to make sure I'm
22 following what you're saying, and that is that by looking at this
23 table, for example, on endangered and threatened species, the
24 proposal would have a minor effect, and I'm just quickly looking at
25 it, it would have a minor effect. The Barrow deferral would reduce

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1 that down to a negligible factor. The gray and the great white
2 would be minor effect.

3 Even if you deferred it, it would stay a minor effect,
4 even if you deferred the Barrow deferral, the effect on the whale
5 would still be minor. In other words, it would not change the
6 effect on the bowhead whale. Is that the same way that you're
7 interpreting it? I mean, I'm just trying to clarify it to make
8 sure that I understand what you're trying to say.

9 MR. ALBERT: Well, maybe let me
10 say it a different way, that the Barrow deferral, if you do the
11 Barrow deferral, that would result in a minor impact, okay, that's
12 what that says.

13 MR. BROCK: If you leave out that
14 area?

15 MR. ALBERT: Yes, if you leave it
16 out, you have a minor impact. If you leave out the Kaktovik one,
17 you'll have a minor impact. And I kind of believe that, if you
18 leave those two out.

19 MR. BROCK: But you disagree with
20 the proposal then?

21 MR. ALBERT: But over in
22 Alternative I, where you have everything included, you still have a
23 minor effect.

24 MR. BROCK: Okay. I --

25 MR. ALBERT: You've got it now?

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1 MR. BROCK: I understand what
2 you're saying.

3 MR. ALBERT: And the same pattern
4 is repeated in the next couple of pages. I just don't --

5 MR. BROCK: Some of them, it does
6 reduce the effect down and some of them, it doesn't. I just wanted
7 to make sure I understood what you were saying.

8 MR. ALBERT: Okay. The
9 subsistence effect is moderate all the way across too. But,
10 anyway, maybe just a couple more comments. One of them is this
11 business about what's going to happen if these animals encounter
12 oil, and I'm not going to make my standard speech this time because
13 it apparently doesn't do any good anyway, but it's interesting to
14 see the lack of information that exists.

15 I'm speculating, okay, on what little information exists
16 and other people can speculate on what little information exists.
17 I don't think it's proper at this stage of the game to dismiss this
18 stuff. MMS, hopefully, is going to do a study within this next
19 year on the likelihood of oil sticking to a bowhead's skin, that
20 is, freshly removed skin, and we look forward to that study, if
21 it's done well, to put this little problem to rest, hopefully.

22 (TRANSLATION BY MS. PANIGEO)

23 MR. ALBERT: Thank you. Just one
24 more comment and that is in support of something that some other
25 people have already mentioned, and that is that in the Kaktovik

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1 deferral area where the animals are known to do a lot of feeding,
2 the Borough, as you may remember, I think it was the last Beaufort
3 Lease Sale, objected very strongly to leasing that area and I
4 believe in response to the Borough's concerns a two-year study on
5 the importance of that area from a feeding point of view was
6 begun. That two-year study just concluded, the field season, and
7 as far as we know the results won't be available until maybe March,
8 April, something on that order.

9 So, it seems to me that, number one, one good field
10 season, which is all that was gotten, is probably not enough to
11 determine how important the area is, and that's what we asked for
12 in the beginning. And in any event, that area shouldn't be leased
13 until the existing studies, the existing two year study, is
14 evaluated, and if someone could show that that area is not critical
15 to the bowhead as far as the feeding area, then a lot of our
16 comments, maybe, would evaporate.

17 If a study is in progress, short as it is, then you should
18 wait until you get the results on it.

19 I think it's inappropriate to lease that area until
20 studies are done to evaluate it in response to the concerns that I
21 think we raised in 1984 and that's all I have. Thank you.

22 (TRANSLATION BY MS. PANIGEO)

23 MR. BROCK: Tom, I just have one
24 more question for you and that is, you were looking at a table
25 where it described the effects, Table S-2, describing the minor,

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1 moderate and -- where it defines what minor and moderate --

2 MR. ALBERT: No, I didn't look at
3 that, but --

4 MR. BROCK: But, I mean, I was
5 wondering if -- there it defines what moderate and minor means in
6 the other table.

7 MR. ALBERT: Yes, it --

8 MR. BROCK: And if --

9 MR. ALBERT: It doesn't make any
10 difference what it means. How can they be the same all the way
11 across? That's the question.

12 MR. BROCK: Okay. I'm wondering
13 if you had any -- in your opinion, what the --

14 MR. ALBERT: Tremendous, awful,
15 horrendous. We can argue about whether we --

16 MR. BROCK: Right. I didn't want
17 to do that. I just wanted to make sure that we were both speaking
18 on the same basis.

19 MR. ALBERT: Well, the problem is
20 that it's the same classification all the way across. I don't
21 think we can do that.

22 MR. BROCK: That's what I want to
23 make sure of. Thank you. Mike Philo?

24 MR. PHILO: My name is Mike Philo
25 and I'm research biologist within the Department of Wildlife

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1 Management in the North Slope Borough.

2 The first thing I want to say is that I fully agree with
3 the comments that Tom Albert just made about the lack of change in
4 created effects across that table. You can see those even more
5 clearly in Table S-1, if you look at items 1 through 9, I believe,
6 which concerns animal and plant species plus subsistence harvest.
7 I think you'll find that in only two instances does the effect
8 decrease at all from the proposal to the alternative. There
9 actually is no change.

10 Let me just add to that, I'm glad Tom brought that up
11 because it's something that's used in studying this issue.

12 (TRANSLATION BY MS. PANIGEO)

13 MR. PHILO: What I'd like to do
14 now is to make two general comments about the draft document itself
15 and then cite specific examples that may help to support those
16 comments and then using those comments and examples, I would like
17 to defend the deferral of the Barrow Deferral Alternative for Lease
18 Sale 97.

19 Incidentally, the specific examples I'm going to use will
20 only be with respect to the bowhead whale. That's simply in the
21 interest of time and before January 6th I'll submit additional
22 written testimony that will address other species with specific
23 comments.

24 The two general comments that I want to talk about are,
25 first, in the text of the document there are quite a few instances

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1 where speculative statements are made. My concern is that when
2 decisions are made about Lease Sale 97 the people that are going to
3 be basing their decision on what they assume to be fact and it's
4 not clear whether some of these are borderline evidence.

5 And the second general comment is that a number of
6 predicted effects, in my opinion, are less than what they probably
7 really are.

8 (TRANSLATION BY MS. PANIGEO)

9 MR. PHILO: The examples I wanted
10 to use from the text regarding speculative statements are all with
11 regard to the accoustic effects of oil exploration on the bowhead
12 whale.

13 (TRANSLATION BY MS. PANIGEO)

14 MR. PHILO: On pages IV-53,
15 paragraph 2, and again on page IV-56, paragraph 2, the concept of
16 habituation is mentioned and it states that whales are likely to
17 habituate and perhaps already have, to some extent, to accoustic
18 disturbances. Yet, in neither of those locations is there any hard
19 evidence cited to show that. I don't think there is. I think that
20 there has been speculation in the past that there has been
21 habituation, but I don't think it has been shown.

22 (TRANSLATION BY MS. PANIGEO)

23 MR. PHILO: It also states on page
24 IVB-53, paragraph 2, that seismic noise, especially the high
25 resolution seismic surveys, probably have little or no effect.

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1 Pipeline installation is mentioned on IVB-50, paragraph 3, and
2 vessel activity is mentioned on page IVB-52, paragraph 2.

3 The problem I have with these, there's a lot of research
4 being done now on accoustic effects and that's good. The problem
5 is, it's difficult to get data just by the nature of the problem
6 and it's even harder to use that data to make predictions about
7 bowhead whale migration or effects on feeding or mating behaviors.

8 (TRANSLATION BY MS. PANIGEO)

9 MR. PHILO: What I'm getting at is
10 that it needs to be made crystal clear to the people who will be
11 reading the final EIS which statements are based on solid evidence
12 and which are more speculative.

13 Now, what I'm getting between this general comment and the
14 next one is that there is a great deal of information that needs to
15 be gathered, for one thing, and for another, the potential effects
16 of oil activity in the Barrow deferral area, a coup de grace with
17 regard to the bowhead whale.

18 (TRANSLATION BY MS. PANIGEO)

19 MR. PHILO: The second general
20 comment, then, has to do with another case where the potential
21 effects of exploration are underestimated.

22 (TRANSLATION BY MS. PANIGEO)

23 MR. PHILO: I was surprised to
24 read on page IVB-54, paragraph 3, which is like a summary, that as
25 a result of an oil spill a few mammals might be affected.

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1 (TRANSLATION BY MS. PANIGEO)

2 MR. PHILO: I was likewise
3 surprised to see that the potential effect was listed as minor.

4 (TRANSLATION BY MS. PANIGEO)

5 MR. PHILO: What I would suggest
6 is that, according to the definitions in Table S-2, that the
7 potential effect on bowhead whales is not minor, but major, because
8 if there is an oil spill, whether it be into a lead or from the ice
9 as it melts and goes into a lead, not just a few bowhead whales but
10 potentially the majority, if not the whole population, could be
11 exposed to that oil spill.

12 (TRANSLATION BY MS. PANIGEO)

13 MR. PHILO: If calves are killed
14 in an oil spill or if pregnant females are killed or abort or if
15 the reproductive capability of individuals is compromised in the
16 future because of an oil spill, this would, in fact, take several
17 to many generations to recover and that fits better under the
18 definition of major.

19 (TRANSLATION BY MS. PANIGEO)

20 MR. PHILO: I'd like to refer you
21 to the worst case analysis, which is on pages IV-I, 1 through 3,
22 and the comment I have to make about that is that it is likewise
23 underestimated. The worst case effect there is listed as moderate
24 and based on comments I just made, I believe it should be major.

25 And I think that the description in the worst case

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1 analysis is far too conservative and it needs to be reconsidered.

2 (TRANSLATION BY MS. PANIGEO)

3 MR. PHILO: I'd like to have you
4 consider next the effects on the subsistence hunt. In the text,
5 it's listed as moderate, I believe, but if we consider that a spill
6 may occur in midstream or being leached from the ice into the lead,
7 I think it's easy to see where the spring hunt could be terminated
8 because of real and perceived concerns over the ingestion of
9 contaminated whales.

10 (TRANSLATION BY MS. PANIGEO)

11 MR. PHILO: Whether any whales are
12 obviously affected by a spill or not, I would fully expect that in
13 such a case the International Whaling Commission would finance a
14 subsistence harvest until an analysis of the effects on the
15 population could be made. If that happens, I'm sure that would
16 preclude the subsistence harvest, prevent a subsistence harvest for
17 a number of years. And, incidentally, that would be under the
18 definition of major effect.

19 (TRANSLATION BY MS. PANIGEO)

20 MR. PHILO: I think that the
21 Barrow deferral area should, in fact, be deferred because, number
22 one, because of the lack of information regarding the facts of
23 exploration on bowhead whales and other species as well, even
24 though I didn't mention it, and number two, because of the
25 potentially decimating effects a spill could have on the bowhead

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1 whale population and the subsistence harvest.

2 (TRANSLATION BY MS. PANIGEO)

3 MR. PHILO: In closing, I would
4 like to point out that although I have addressed my comments
5 specifically to the Barrow deferral area, I don't mean to imply
6 that that should be deferred to the exclusion of the Kaktovik
7 deferral area. In fact, I support the additional alternative which
8 would defer both Barrow and Kaktovik deferral areas.

9 Thank you.

10 (TRANSLATION BY MS. PANIGEO)

11 MR. BROCK: Thank you. Alfred
12 Leavitt?

13 UNIDENTIFIED VOICE: I think he's
14 left.

15 MR. BROCK: We'll check later and
16 see if he comes back. Flossie Andersen?

17 Just as a point in clarification before we start, the
18 Secretary could adopt more than one deferral, apparently. In other
19 words, he could adopt the four or five, I believe, or whatever, the
20 two deferrals. We wouldn't have to make another -- we analyze them
21 separately strictly so that the EIS can point out the differences
22 and he could, without going through another EIS to put them
23 together, he could adopt more than one deferral if he chose to do
24 so.

25 So, we just analyze them separately because it's for his

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1 sake so he can see the difference in them. Just as a point of
2 clarification.

3 Go ahead.

4 MS. ANDERSEN: Thank you. Good
5 evening. My name is Flossie Hopson Anderson. I'm a member of the
6 North Borough Assembly, but I'm not necessarily representing their
7 views. I am here as an individual living on the North Slope.

8 I have always been interested in our subsistence resources
9 and have been involved in hearings before dealing with offshore
10 drilling. Although I have not read the EIS page by page or word
11 for word, I am aware that the lease sale covers the entire coastal
12 area from the border to Point Hope.

13 I am sure that our local people are concerned about the
14 extent of the sale and how it is going to affect us in the
15 future. The comments by our local people must weigh heavily on our
16 decisions because they are the people who live up to the
17 consequences in the future.

18 I would like to make a few observations and
19 recommendations about this lease sale. It seems pretty premature
20 to me at this time to decide to have a lease sale, to have an
21 extensive offshore lease sale in this whole area because of the
22 predestined offshore development in the ANWR region, the Arctic
23 National Wildlife Refuge, which is being considered by congress to
24 be opened up for future development.

25 There are also some disputed areas that should be deleted

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1 for the same purpose. Back in the '70's there was a concern about
2 development in certain areas. The concern was that there would be
3 similar Prudhoe Bay units all across the Slope and this is what
4 this sale will do, develop Prudhoe Bay units all across the
5 coastline.

6 Sure, development is predestined, but it can be decided
7 not to have spot development all over the Slope. The most
8 concerned issue is the continuation of our subsistence resources
9 and their habitat. Sure, there are some agreements made about
10 bowhead whaling seasonal restriction, but that does not mitigate
11 the potential problems. Mitigation of disturbance like placing
12 seasonal restrictions is the issue.

13 Doing research on noise disturbance will not solve the
14 problem, or setting up instrumentation stations will not solve the
15 problem. Those are only research. Seasonal restrictions must be
16 in place. The Inupiat people should not be forced to compromise
17 what is there. For over ten years now, Inupiat people have been
18 telling you not to have a lease sale, here and there offshore,
19 because -- but are they ever heeded in what they say?

20 We have been telling you the same information for years
21 now, but they're never included in your EIS. Inupiat people will
22 continue to use subsistence resources such as bowhead whales,
23 seals, belugas, sea birds, polar bears, caribou and fish, as long
24 as we are here. For thousands of years now, Inupiat people
25 survived on these resources.

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1 With development all over the coastline, that will be no
2 longer true. Undisturbed areas are very significant, especially
3 those areas with major rivers and estuaries that provide the
4 habitat for our resources.

5 Does industry have the capability to clean up a major oil
6 spill or blow-out? Can you envision what a major blow-out will do
7 to the habitat and its resources? It just so happens that a major
8 blow-out has not occurred in Prudhoe Bay to see if the capability
9 exists. Specific areas that lie in proximity to established
10 villages like Barrow, Kaktovik, Nuigsut, Wainwright and Point Hope
11 need protective measures to keep the areas undisturbed.

12 Major areas for whaling must be deleted to save the
13 species and to save the Inupiat way of life. The area, especially
14 around Kaktovik, which is used for feeding grounds, must be
15 deleted. The migratory patterns and the routes of the bowhead
16 whales is very sensitive. These areas must receive the highest
17 priority for deletion.

18 It seems to me the Sale, if unchanged, is destined to
19 destroy the Inupiat way of life by endangering the marine mammals'
20 cycle and habitat. Mitigating measures must be in place before any
21 development occurs. Simply activating research programs will not
22 solve the problem. The problem is the user will be restricted to
23 its resources if there ever was a major spill or blow-up.

24 Industry must learn and should have learned by now with
25 Prudhoe Bay that you cannot compromise the way of life. Industry

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1 must learn to live with restrictions like seasonal restrictions
2 during the bowhead whaling season and the migration. This is the
3 price that industry pays to further offshore development.

4 The price the Inupiat pays is the restrictions to whaling
5 and the possibility that the ocean of marine mammals will be
6 lost. Further development will require all the activities that
7 occurred at Prudhoe Bay. Just because there is no major spill or
8 blow-out, or just because the caribou are still there, does not
9 mean that that will be true in these areas.

10 What happens in one area will affect the other areas. For
11 example, displacement will cause animals to move to another area.
12 Disturbance such as noise and activity will cause the animals to
13 use the other areas for the same reasons.

14 For those above reasons, my point was to delete the
15 certain sensitive areas like the Barrow area and the Kaktovik area
16 and those areas that are sensitive during the migration and the
17 bowhead whaling season. I thank you.

18 (TRANSLATION BY MS. ANDERSEN)

19 (TRANSLATION CONCLUDED BY MS. PANIGEO)

20 MR. BROCK: Thank you. Geoff
21 Carroll?

22 MR. CARROLL: My name is Geoff
23 Carrol and I work for the Department of Wildlife Management and I
24 worked on the bowhead whale census for several years, both for the
25 National Marine Mammal (INDISCERNIBLE) and the North Slope Borough.

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1 I'd like to support both the deferrals for the Kaktovik
2 area and the Kaktovik area and I'd like to say a few words in
3 support of the Barrow deferral.

4 In the EIS one of the reasons given for the Barrow
5 deferral on page 226 is that in the fall bowheads feed in the area
6 east of Point Barrow. I'd like to add to that that the Point
7 Barrow area is also periodically an important feeding area in the
8 spring.

9 In the spring of 1985, each of the three whales that were
10 harvested during the spring hunt had over five liters of food in
11 their stomachs. This food was mostly (INDISCERNIBLE). The feeding
12 behavior was observed by ice-based observers, being a half
13 kilometer southwest from Point Barrow from May 26th to the 6th of
14 June, 1985.

15 During this time, at least sixty individuals were seen
16 feeding over a period of twelve days. There were over twelve
17 individuals feeding at the time and individuals were seen in the
18 area up to fifteen hours repeatedly.

19 (TRANSLATION BY MS. PANIGEO)

20 MR. CARROLL: The feeding was
21 spread over a considerable time and distance. Stomach contents
22 were collected from the whale on the 9th of May and feeding
23 behavior was observed through the 6th of June when we had to leave
24 the ice because it became unsafe. So, the feeding activity took
25 over three weeks.

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1 Bowhead whales which are harvested presumably feed south
2 of the village of Barrow and whales were seen feeding north of
3 Point Barrow so this feeding activity was spread over an area of
4 approximately 36 kilometers or 22 miles.

5 (TRANSLATION BY MS. PANIGEO)

6 MR. CARROLL: In 1986 whales were
7 also seen feeding along the ice edge during the first and second
8 weeks of June.

9 (TRANSLATION BY MS. PANIGEO)

10 MR. CARROLL: Added to that, I'd
11 like to make a couple of comments as to why the whales are
12 especially susceptible to the oil development in the Barrow
13 deferral area and these are that while it's true that the migration
14 is spread out from early April through June, the majority of the
15 population passes by usually in a fairly short time. We have days
16 there in the census when we'd see three hundred whales go by in a
17 day. So, there's a potential that if there was an accident at the
18 wrong time the majority of the population could be affected.

19 This is also true with the calf passage.

20 (TRANSLATION BY MS. PANIGEO)

21 MR. CARROLL: Now, the extreme
22 example of large numbers of whales passing in a short period of
23 time came in 1980 when they were blocked by ice for most of the
24 season and 95% of the population came through in six days.

25 (TRANSLATION BY MS. PANIGEO)

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1 MR. CARROLL: Now, the same thing
2 is true with calves. They are seen from mid-April through early
3 June, but generally a majority of the calves pass by in a short
4 time also. For example, during the spring of 1986, over half of
5 the 59 calves that we saw passed between the dates of May 24th and
6 June 2nd.

7 (TRANSLATION BY MS. PANIGEO)

8 MR. CARROLL: My main point is
9 that I feel that the Barrow area should be deferred because of the
10 whales are especially susceptible in coming through this area.

11 (TRANSLATION BY MS. PANIGEO)

12 MR. CARROLL: Thank you.

13 MR. BROCK: Thank you. Joash
14 Tuckle?

15 MR. TUCKLE: My name is Joash
16 Tuckle. (SPEAKS IN INUPIAT)

17 TRANSLATION BY MS. PANIGEO: My
18 name is Joash Tuckle. I am not anybody prominent in Barrow, but
19 ever since I have learned to hunt, I have been hunting all the meat
20 that the Inupiat people can eat.

21 Since I was raised on meat, my parents that raised me,
22 when we were little, that was all we had was the meat and from that
23 point of view I have been hunting so all these people, the Inupiat
24 people, can eat.

25 And I have this question here that I'd like for you to

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1 clarify, that between the Alaskan/Canadian border, what is the
2 distance from where you mark the offshore? He would like to see
3 how many miles distance that is.

4 Also, from the Barrow area up to where you have it marked
5 here, how many miles that is from the Barrow area? Also, going
6 south from the Chukchi Sea, how many miles that is also from where
7 you have your mark at the Beaufort Sea to the Chukchi Sea, how
8 miles distance there are between the two, first the one from the
9 Canadian border, the Alaska/Canadian border, down to where you have
10 it marked at the Beaufort Sea, how many miles distance is there
11 from the shore?

12 MR. BROCK: We'd be glad to answer
13 those questions after we close the hearing. I can't tell from
14 here. Each one of those marks is twelve miles long and what we'll
15 have to do is go over and count them. I'll be glad to do that and
16 give you an idea, but right off the top of my head, I can't answer
17 that question.

18 (TRANSLATION BY MS. PANIGEO)

19 MR. TUCKLE: (SPEAKS IN INUPIAT)

20 TRANSLATION BY MS. PANIGEO: The
21 place you have marked is really the migration route the whales take
22 and one of the speakers has noted that in one single day that that
23 many whales passed through there right in front of Barrow or right
24 along there.

25 And this last fall whaling season, I was whaling from

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1 September through November and all we saw were three whales. Where
2 was all this other number? Where did all these other whales that
3 passed by through Barrow, which route did they take coming back
4 from the east?

5 From this side of Prudhoe Bay there has been sighted a lot
6 of whales, but every good day starting from September to November,
7 every good day that the waters are calm, we go out hunting from the
8 Barrow area, but we never did sight any whales.

9 There must have been something down there where you have
10 that area marked. There must be something going on down there that
11 the whales did not take this route where they usually take, what we
12 call the short-cut.

13 If anything as minor as what you have down there in this
14 area where you have marked off, how much more if the industry
15 begins? The oil companies set up camps right in the area. How
16 much more disturbance with all that noise, all that industry going
17 on, how much more? Which way will those whales -- which route
18 should the whales take if a little thing like whatever is down
19 there in the ocean where you have it marked, if a little thing like
20 that can get them to take another route, which route are they going
21 to take once dangerous industry starts drilling down there on the
22 offshore drilling?

23 During this last fall I was out hunting, trying to locate
24 where all the whales were because there were so many of them
25 passing through there going east. I was trying to find out what

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1 route they were taking so I spent two days and two nights out in
2 the Beaufort Sea with just a small boat.

3 As I was being raised on meat, I want to have this
4 opportunity once again to feed my folks, at least one of them while
5 they are still alive, to have something fresh, to present something
6 fresh for them to eat like the way they raised me on this fresh
7 meat, but for some reason, for some little disturbance there was in
8 the Barrow area under the water, if that little thing can -- the
9 whales in their sensitivity can take another route when you can't
10 see anything on top of the water, if they have that sensitivity
11 within them by taking another route instead of coming in through
12 Barrow, that was one of the reasons why.

13 My life was at stake, very much so, during one trip this
14 fall. I have this bandage on my right wrist. It occurred while I
15 was hunting. Some salt water just couldn't -- it got infected from
16 the salt water and whatever it was and up until now I was still
17 having problems with it.

18 Hunting in a small boat, we don't have all the major
19 equipment like you do when you want to do something and you should
20 have pity on us that with our meager equipment compared to what you
21 have, that we try to do all this hunting. And if you are not
22 heartless, at least have pity on what we are trying to make you
23 understand.

24 But we aren't going to give up. We are still going to
25 hunt the bowhead whale. But we will pinpoint you as being at fault

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1 should anyone on the whaling crews lose their lives down in the
2 ocean because you have caused the whales to take another route
3 other than the one close to the shore because of your industry.

4 If and when the industry should start, you and I should
5 have a mutual understanding. We would like for you to comprehend
6 what the Inupiat is trying to pass on to you. So, if anything,
7 should any industry begin in that area, offshore drilling, then you
8 and I should have a written statement stating both what the Inupiat
9 is saying and exactly what you will be doing.

10 I'm going to get off this subject and I still have
11 something else to say.

12 This, I have heard, that when this offshore drilling
13 started in Kaktovik, I have heard this comment, that all industry
14 is going to be stopped as soon as the migration, of the expected
15 days of the migration of the whales, it is expected that all
16 industry will be stopped.

17 The first school of whales that pass by through here don't
18 have the calves with them, traveling with them.

19 The female whales, with their young, follow right behind
20 these. They're the last school of whales that pass by.

21 Until the last of the female whales, with their calves,
22 soon after they are all gone, that's when the migration stops.

23 So, if you want to start this offshore drilling near
24 Barrow, you are to wait until all female whales have passed through
25 with their calves. But do not say that I have seen some whales

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1 with their calves, let's start. You should not have that attitude.

2 So, when the majority of the whales have passed by, the
3 last school of the whales are the reproductive ones, the female
4 ones and their calves, but if you start drilling while there are
5 still some female whales with their calves that have not yet
6 arrived here in Barrow and if the oil spill occurs or the blow-out
7 occurs, that is when the bowhead whale will be extinct.

8 Thank you, and my name is Joash Tuckle.

9 MR. BROCK: Sir, I'd like to ask
10 one question and that's when you were referring to where the whales
11 took their shortcut. I don't remember exactly the word, but you
12 talked something about that thing of water that was marked. Do you
13 have any idea of what that was? I'm trying to find out what was
14 there.

15 MS. PANIGEO: They think that
16 something is going on underwater --

17 MR. BROCK: Oh, I see.

18 MS. PANIGEO: -- that had changed
19 the route of the whales coming back from the east and passing
20 through this shortcut which they usually take.

21 MR. BROCK: There wasn't something
22 on top of the water? Whatever it was, was underneath the water?

23 MS. PANIGEO: There was nothing
24 that could be seen.

25 MR. BROCK: I see. Thank you.

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1 Daniel Leavitt?

2 MR. LEAVITT: (SPEAKS IN INUPIAT)

3 TRANSLATION BY MS. PANIGEO: I am
4 going to say a little bit, even if what I say has been passed on.
5 My name is Daniel Leavitt. I am 68 years old.

6 The person that spoke just before me, he and I are hunters
7 and you are sitting in the panel up front. You have gone to school
8 and have learned how to handle all this money. But the person that
9 spoke before me, he and I were raised on the meat, the subsistence
10 hunting, by our parents.

11 I have been taught, because my parents and the people
12 before me were hunters, I have been taught how to hunt the bowhead
13 whale, how to take note and how to respect the bowhead, it's
14 habitat, it's migration. I have been taught all this, to respect
15 all this.

16 And I have been told that if there are other whales other
17 than the female with the calf, don't try to get the mother cow.
18 So, in spite of all your efforts at hunting the bowhead and the
19 weather closes in on you, in spite of all your efforts and all you
20 can see and know and can get to is the mother with her calf, the
21 mother whale with her calf, then it will be all right for you to
22 take it.

23 So, from that point of view, you, the panel that are
24 sitting there, have had these meetings before and what we want to
25 keep, we want to preserve.

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1 I have learned that the Beaufort Sea has all the mammals
2 in it that I can survive, even much more so than what the land has
3 to offer.

4 And if something happens out on the Beaufort Sea that can
5 wipe away everything, all the sea mammals in it and every living
6 creature in it, if something happens that can destroy all that the
7 sea mammals have, all the mammals that are in the sea...

8 I can even cry because of all the mammals in the sea,
9 because of those, I can even cry because the sea is my life. As
10 the sea is my life, I can even cry to protect it and if we should
11 be gone in a few more years there may come a time when you won't
12 have anything to do with us up here in the far north and you can't
13 even get to us by boat and by plane when the sea has lost all of
14 its mammals because of the oil spills.

15 And what can you give to us after that happens? It is not
16 out of contempt that I pass this on to you, but as an Inupiat I
17 feel that that is exactly what is going to happen in the future.

18 As Joash has already passed on, I don't have much more to
19 state to you. He has passed on what I have in mind.

20 So, this person that is speaking to you has been so close
21 to the whales, the animals, that he even can speak for them in
22 their stead, and that is one of the reasons why, even though it is
23 hard, very much so, we do our hunting.

24 If in one day we did not find what we were hunting for,
25 then that means the stomach has nothing to fill it with.

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1 So, if you are going to, go ahead and do what you want,
2 but make sure that the Inupiat words are fully comprehended. Make
3 sure that they are passed on as they are and then you can do what
4 you want. But do more research on behalf of the Inupiat as well as
5 for your own good.

6 As I have lived, as I was growing up, that during my life
7 and how I was raised and what I am doing now, I am doing it all
8 that we come to understanding of all terms, from the Inupiat point
9 of view and from your point of view, that everything that is done,
10 that we may fully understand that we are speaking of one thing and
11 one thing alone, and not from one side only, but from both parties
12 involved.

13 MR. LEAVITT: Thank you.

14 MR. BROCK: Thank you. Has Alfred
15 Leavitt come back, by chance? No? Well, that's all the list I
16 have that is registered. Is there anybody else in the room that
17 would like to testify that hasn't registered? Sir, and you'll be
18 next, ma'am.

19 MR. BROWER: For your records, I'm
20 Arnold Brower, Jr. I'm the Chairman of the Alaska Eskimo Whaling
21 Commission and co-whaling captain. I've been whaling for a minimum
22 of thirty years.

23 It's good to see a familiar face. I don't know why they
24 brought John along, maybe so we won't be so hard against the
25 Minerals Management Services, or be so radical.

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(LAUGHTER)

MR. BROCK: It's good protection.

MR. BROWER: That was my first impression. First of all, I want to thank Mr. Daniel Leavitt and Mr. Joash Tuckle for their invaluable testimony for this Lease Sale 97 here in Barrow, December 8, 1986, for the record.

I want to endorse that we support those speakers before me this evening that spoke against the lease sale, primarily the deferred, and to strengthen Stipulation #4.

I got real concerned when Bob Brock mentioned and questioned an issue regarding negligible impact. In the Draft Environmental Impact Statement, you've written all about it, saying it is a minor thing, moderate thing, or just the thing that people do. But I want to impress upon this panel, on a whaling day when whales are migrating, the very first noise, the very first noise that alerts the whale from me getting to it is a detrimental impact. It's my quota lost for that day, for that season.

We live on opportunistic subsistence whaling. Whales migrate as far as ten, fifteen, thirty miles offshore and a small number of whales, as Joash and perhaps somebody else said, they take a shortcut along an open lead right near Barrow, Alaska, Point Barrow, Alaska.

It is the farthest north obstacle in the way for them to go, to go around to get to the Canadian Beaufort, and that's primarily where we hunt. That first noise is heard by the whale

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1 that I may have had an opportunity to catch and we've been
2 authorizing and doing things with noise habituation studies.

3 These whales communicate pretty much like any other animal
4 communicates when there is an endangerment on their lives. It will
5 alert the other whales that there is an obstruction and noise or
6 something in the area and abruptly there will not be any more
7 migration of whales, probably, on shore for the duration of that
8 particular time.

9 Like they said, they travel in schools. During the spring
10 migration, there are three schools. Perhaps in the fall, I have
11 not learned as much as Joash and Daniel have, but I understand that
12 there are perhaps two schools. I have not yet learned this
13 although I do a lot of fall whaling.

14 I enjoyed what Joash had to say because I was one of those
15 whaling captains that was out whaling. There was definitely a
16 noise disturbance off Point Barrow and that noise disturbance, Lon
17 (ph) and I and several other community members, perhaps one of your
18 agents know, we tried to get that ship out of the Point Barrow area
19 during our subsistence hunting, but there was a priority reason,
20 rationale, that we were told that it is carrying somebody doing
21 bird studies, a scientist.

22 Here we are, living and hunting for livelihood for food on
23 the table. I've learned this ever since my childhood and I started
24 whaling when I was eight years old as a crew member.

25 As I just skim through the Draft Environmental Impact

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1 Statement, I get disturbed and start to think about who wrote it.
2 There was list, maybe three pages long, that you would confer with
3 in the Draft Environmental Impact Statement. In the formulation of
4 it, perhaps, I felt that Exxon, Sohio, Atlantic Richfield and those
5 agents drafted this Draft Environmental Impact Statement for you
6 and you produced the cover.

7 Just remember that I am making my own analysis and that's
8 what it looks like.

9 The area that I would very much be concerned with before
10 the Minerals Management Services is to strengthen Stipulation #4 to
11 the maximum extent possible so that it could endorse the proper
12 management so that the bowhead stock would grow back to a healthy
13 stock. Perhaps we could work together to relieve its
14 classification from endangered species.

15 Within your Draft Environmental Impact Statement there is
16 a page III-53, which somebody brought my attention to and I made
17 some notation on it. I know that the Minerals Management Service,
18 the federal government and other entities as well as the industry
19 and the media take this kind of document verbatim.

20 Down toward the middle of the page, there is a subsection
21 (a), bowhead whales, and then down toward the last statement, next
22 to the last statement, it is stated, the sharing of the bowhead is
23 central to Nalakataq, Thanksgiving and Christmas feasts, and muktuk
24 is shared extensively with communities as far away as Fairbanks and
25 Anchorage.

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1 I would like that statement to be restated: "With Eskimo
2 residents in communities as far away as Fairbanks and Anchorage."

3 Now, my colleague, Joash Tuckle, has been going through a
4 litigation and court battle because some of the relatives have gone
5 down to Anchorage for emergency reasons and the food that we eat is
6 illegal to transport although we preserve it in the ice and you
7 document it real well that we put it in ice for storage so that we
8 can eat them later.

9 But we are human just like you and we have problems,
10 medical problems, emergency problems. Those are the areas that I'm
11 concerned about, continually harrassing people who depend on
12 subsistence food, not just through the industrial disturbance, even
13 traditionally.

14 The other area I want to make comments to is on page
15 IVB-52, I'll get to there before I make my comment to see what it
16 is about. I believe Mike spoke on this. On page IVB-50, the
17 first approach disturbs the whales. That's an interesting
18 notation. And the reactions include changes in orientation and
19 behavior or dispersal.

20 That is the response from what you call a minor, in your
21 book, but it is a major impact, detrimental impact to bowhead
22 whalers. It is not a negligible impact, it is a major impact.

23 On page IVB-52, the second paragraph, it states on the
24 third statement, it indicates that bowheads probably would avoid
25 approaching within several kilometers of vessels attending a

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1 drilling unit and probably would move away from the vessels that
2 approach within a few kilometers.

3 The whale would not go out just several kilometers. It
4 would go as far away as possible. If it sighted, if the noise is
5 in that particular area out of Point Barrow, as soon as it hears
6 it, it will go around as far as possible and migrate, take its
7 normal migration pattern.

8 That's what we've encountered and that happens over and
9 over ever since offshore development began in Prudhoe Bay. Without
10 stipulations, without mitigations, Barrow has not ever encountered
11 -- sighted bowhead whales. Through mitigations, we have sighted,
12 at least in my own mind, I have not sighted but I have heard, that
13 there was a noise, bowhead whale noise, one bowhead whale noise
14 gone by Point Barrow this fall.

15 In that same paragraph it says that vessel activities
16 associated with the sale are not expected to disrupt the bowhead
17 whale migration and small deflections in individual bowhead
18 migration paths and a reduction in use of one to several areas of
19 bowhead feeding habitat should not adversely affect the species.

20 Perhaps they will not adversely affect the species from
21 their normal migration, but it will adversely affect the migration
22 route, displace the whales from subsistence availability, it will
23 break the provision of ANILCA 810. Federal responsibility to the
24 Natives was in subsistence hunting.

25 I believe Minerals Management Services is not qualified to

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1 make such a statement like that.

2 Under the summary on page IVB-54, under Summary (A), I
3 believe Mike also brought this issue up and I support his position,
4 that it's not a minor thing, it's a major impact.

5 The area that I underlined, that I believe would have the
6 most detrimental impact is the next to the last statement in that
7 summary. Reactions are expected to be short-term and temporary in
8 nature, consisting of movements away from the south shores.
9 However, whales may avoid feeding within several hundred meters of
10 drilling units and production platforms.

11 I think there again, you have no qualification to make
12 that statement. Whales may avoid feeding within several hundred
13 meters. I would replace meters with miles.

14 And, again, under conclusions, the combined potential
15 effects on bowhead whales of activity associated with the proposal
16 would be minor. That would be a major for me.

17 In order for the Alaska Eskimo Whaling Commission to enter
18 into mitigation agreements, these are some of the areas that we are
19 real concerned with that you need to be aware of and be prepared.

20 IVB-56 again, under the cumulative case, under
21 conclusions, the combined effects from OCS activities throughout
22 the bowhead whale's range would be moderate.

23 The Alaska Eskimo Whaling Commission has been given the
24 responsibility of managing the bowhead whale. In order for the
25 Alaska Eskimo Whaling Commission to endorse that statement, let me

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1 just put it this way, that I would look at it as a moderate impact.

2 And I noted in here one of the -- I forgot what page it
3 is, but a minimum take of adversely affected bowhead whales of one
4 hundred whales will be taken and that is not a minor thing for
5 us. It is a major issue for us.

6 We are allocated, without any rationale, by the
7 International Whaling Commission, through negotiations with our
8 federal government, limited below our subsistence and nutritional
9 needs amongst our nine communities. I would like to see that one
10 hundred whales be given to the Alaska Eskimo Whaling Commission.

11 If our federal government can speak softly about taking
12 one hundred bowhead whales like this and demand the Alaska Eskimo
13 Whaling Commission, who is in dire need of nutritional needs of the
14 bowhead whale, to be limited to 32 whales, then our federal
15 government's rationale needs a complete review.

16 Again, I want to just thank everybody who made their
17 statements to this panel and with the kind of testimony that I'm
18 making, I'd like to thank you for the opportunity, and we will
19 submit other written testimony on the Draft Environmental Impact
20 Statement on the Beaufort Sea Sale 97.

21 MR. BROCK: Thank you.

22 (MR. BROWER TRANSLATES HIS TESTIMONY)

23 MR. BROCK: Thank you.

24 MS. MAUPIN: My name is Doris
25 Maupin. I am a single parent. I have heard all throughout this

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1 evening is of great concern to me.

2 The sea is our garden, indeed. You cannot begin to
3 comprehend or compare the store-bought food. Us Natives eat
4 fresh. We store it to be frozen so we can have it for the winter.

5 When you go to the stores, you think of the packages, and
6 by the time they reach the store they are spoiled already.

7 You cannot begin to comprehend or see to replace the food
8 that we eat from the ocean. Fishes, whales, walruses, seals, they
9 cannot be replaced in the future. The whales are going to be gone,
10 the calves are going to be gone. What will be left for the future
11 generation?

12 We must try to protect it. My granddaughter here, we have
13 to try to preserve what we have.

14 Thank you.

15 MR. BROCK: Thank you. Would you
16 like to translate that?

17 (TRANSLATION BY MS. PANIGEO)

18 MR. BROCK: How did you spell your
19 last name, ma'am?

20 MS. MAUPIN: M-A-U-P-I-N.

21 MR. BROCK: Anybody else? Ma'am?

22 MS. ADAMS: Good evening. My name
23 is Marie Adams and I'm from Barrow, Alaska. I was born and raised
24 here.

25 I just want to make one general comment and also state

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1 that I support the deferral of the Barrow and Kaktovik areas and
2 prefer not to see any lease sale. I know that recently there has
3 has been a lot of discussion about ANWR and a high potential that
4 is considered to be even greater than Prudhoe Bay and it seems to
5 me that it would make more sense to develop onshore than endanger
6 more of the endangered species.

7 There are 4,000 mammals that are estimated presently and
8 there is a lot of debate going on about the 180,000 Porcupine
9 caribou herd and Udall would prefer that ANWR is not involved
10 because of the caribou herd there and there are a lot more of them
11 than the endangered bowhead whale.

12 That's the general comment that I would want to make, that
13 it would seem to me like it would make a lot more sense for the
14 federal government to reconsider any offshore oil and gas
15 development in the area including the Norton Sound and other areas
16 of the state because the high potential that is now being discussed
17 with ANWR.

18 That's what we have always said up here. We've said that
19 a million times, that we would prefer something onshore rather than
20 development offshore.

21 (MS. ADAMS TRANSLATES HER TESTIMONY)

22 MR. BROCK: Anybody else?

23 (PAUSE) Very well. It's now two minutes after 11:00 and we will
24 close the hearing. If anybody would like to stick around and ask
25 some questions, we'll try our best to answer them.

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1 We thank you all very much for coming out tonight. We do
2 appreciate it. Thank you.

3 * * * END OF PROCEEDINGS * * *
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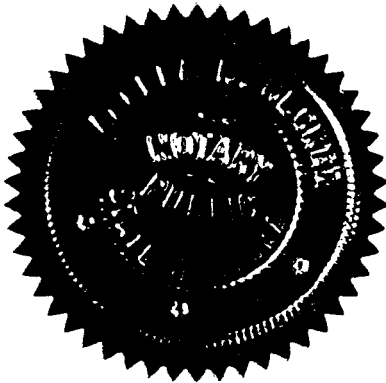
I, Angela K. Hecker, Court Reporter for Accu-Type
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That the foregoing pages numbered 3 through 58 contain a
full, true and correct transcript of proceedings in the matter of
the Draft Environmental Impact Statement for the Proposed Oil and
Gas Lease Sale 97 in the Beaufort Sea as transcribed by me to the
best of my knowledge and ability from reel to reel tape identified
as follows:

Tape No. 881, Log Nos 001-1175.

DATED at Anchorage, Alaska, this 14th day of January,
1987.

SIGNED AND CERTIFIED TO BY:



Angela K. Hecker
Angela K. Hecker
Court Reporter

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